

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

ELIJAH SMALL,)	
Plaintiff,)	
)	
v.)	Civil No. 7:12-CV-139-O-BL
)	
RICK THALER,)	
Defendant.)	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After making an independent review of the pleadings, files and records in this case, and of the Report and Recommendation of the United States Magistrate Judge, I am of the opinion that the Report and Recommendation of the Magistrate Judge is correct and it is hereby adopted and incorporated by reference as the Findings of the Court.

Accordingly, this case is DISMISSED without prejudice pursuant to Rule 41(b), Federal Rules of Civil Procedure, for want of prosecution.¹

SO ORDERED this 25th day of March, 2013.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹ Plaintiff has filed a document indicating that prison law library personnel are withholding the forms necessary for him to comply with the Court's deficiency order. *See* Doc. No. 12. The Court takes judicial notice that prisoner civil rights complaint forms and forms necessary to apply for *in forma pauperis* status are readily available in the law library of Plaintiff's prison unit. *See Morrow v. Collins*, 111 F.3d 374 (5th Cir. 1997) (taking judicial notice that a Texas state prison inmate can get a statement of inmate trust account from the prison law library and dismissing the case for want of prosecution, even though the prisoner claimed that he could not get the statement due to hostility on the part of prison officials).